

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

DOCKET NO. 516-cv-00289-gwc

KAREN E. O'CONNELL,)
)
Plaintiff,)
)
v.)
)
SPRINGFIELD HOSPITAL, INC.,)
JOHN S. CIOCCHI, M.D., and)
MEENA K. MOORTHY, M.D.)
)
Defendants.)

DEFENDANT'S ANSWER TO PLAINTIFF'S AMENDED COMPLAINT

NOW COMES defendant, Meena K. Moorthy, by and through her attorneys, O'Connor, O'Connor, Bresee & First, P.C., and makes answer to the plaintiff's complaint, as follows:

1. Answering defendant denies the allegations of paragraph 1 of the plaintiff's complaint for want of knowledge and information sufficient to form a belief as to the truth thereof, and defendant also requests a trial by jury.
2. Answering defendant denies the allegations of paragraph 2 of the plaintiff's complaint for want of knowledge and information sufficient to form a belief as to the truth thereof.
3. Answering defendant denies the allegations of paragraph 3 of the plaintiff's complaint for want of knowledge and information sufficient to form a belief as to the truth

thereof.

4. Regarding the allegations in paragraph 4 of the complaint, answering defendant admits that Meena K. Moorthy, M.D., is employed by Springfield Medical Care Systems, Inc., and for the remainder of the allegations, admits or denies as may be appropriate.

5. Answering defendant denies the allegations of paragraph 5 of the plaintiff's complaint for want of knowledge and information sufficient to form a belief as to the truth thereof.

6. Answering defendant denies the allegations of paragraph 6 of the plaintiff's complaint.

7. Answering defendant denies the allegations of paragraph 7 of the plaintiff's complaint for want of knowledge and information sufficient to form a belief as to the truth thereof.

8. Such allegations do not apply to defendant Dr. Moorthy, but to the extent any answer is required, answering defendant denies the allegations of paragraph 8 of plaintiff's complaint.

9. Answering defendant denies the allegations of paragraph 9 of the plaintiff's complaint for want of knowledge and information sufficient to form a belief as to the truth thereof.

10. Answering defendant denies the allegations of paragraph 10 of plaintiff's complaint.

11. Answering defendant denies the allegations of paragraph 11 of the plaintiff's complaint.

MEDICAL NEGLIGENCE

12. Answering defendant repeats and realleges paragraphs 1 through 11 of this answer as if fully set forth herein.

13. Answering defendant denies the allegations of paragraph 13 of plaintiff's complaint as they relate to Dr. Moorthy, and answering defendant denies the remaining allegations of the paragraph for want of knowledge and information sufficient to form a belief as to the truth thereof.

14. Answering defendant denies the allegations of paragraph 14 of plaintiff's complaint as they relate to Dr. Moorthy, and answering defendant denies the remaining allegations of the paragraph for want of knowledge and information sufficient to form a belief as to the truth thereof.

MEDICAL NEGLIGENCE - LACK OF INFORMED CONSENT - 12 V.S.A. §1909

15. Answering defendant repeats and realleges paragraphs 1 through 14 of this answer as if fully set forth herein.

16. Such allegations do not apply to defendant Dr. Moorthy, but to the extent any answer is required, answering defendant denies the allegations of the paragraph for want of knowledge and information sufficient to form a belief as to the truth thereof.

RESPONDEAT SUPERIOR

17. Answering defendant repeats and realleges paragraphs 1 through 16 of this answer as if fully set forth herein.

18. Such allegations do not apply to defendant Dr. Moorthy, but to the extent any answer is required, answering defendant denies the allegations of the paragraph for want of knowledge and information sufficient to form a belief as to the truth thereof.

AFFIRMATIVE DEFENSES

1. Comparative negligence.
2. Failure to state a claim upon which relief can be granted.
3. Intervening or superseding efficient cause.
4. Acts or omissions of a third party for which this answering defendant is not liable.
5. The claims and causes of action alleged in the complaint are barred by the applicable Statute of Limitations.
6. Defendant reserves the right to amend her answer and/or assert additional affirmative defenses as warranted by facts adduced through discovery.

Dated at Bennington, Vermont on this 18th day of January, 2018.

O'CONNOR, O'CONNOR
BRESEE & FIRST, P.C.
Attorneys for Defendant
Meena K. Moorthy, M.D.

By



P. BAIRD JOSLIN, JR.
507 Main Street
Bennington, Vermont 05201
(802)440-1541
Bar Roll No.: 11249

TO: SPANEAS LAW OFFICE
79 Hanover Street
Lebanon, NH 03766
(603)727-9595